Tentative Rulings for September 2, 2026
Department 502

For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, such request must be timely submitted to and approved by the hearing judge. In this department, the remote appearance will be conducted through Zoom. If approved, please provide the department's clerk a correct email address. (CRC 3.672, Fresno Sup.C. Local Rule 1.1.19)

There are no tentative rulings for the following cases. The hearing will go forward on these matters. If a person is under a court order to appear, he/she must do so. Otherwise, parties should appear unless they have notified the court that they will submit the matter without an appearance. (See California Rules of Court, rule 3.1304(c).) *The above rule also applies to cases listed in this "must appear" section.*

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

22CECG00155	***Navarrete v. DDS Transport Inc*** **is continued to Wednesday, October 7, 2026, at 3:30 p.m. in Department 502.**
22CECG02932	***Boothes v. Bayless*** **is continued to Wednesday, October 7, 2026, at 3:30 p.m. in Department 502.**
23CECG05182	***Tomik v. Albertsons Companies, Inc*. is continued to Wednesday, October 7, 2026, at 3:30 p.m. in Department 502.**
26CECG00082	***Blair v. Sunrun Installation Services, Inc*. is continued to Thursday, September 3, 2026, at 3:30 p.m. in Department 502.**

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 502

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(35)

Tentative Ruling

Re: ***Perez v. Perez et al.***
Superior Court Case No. 23CECG00025

Hearing Date: September 2, 2026 (Dept. 502)

Motion: (1) Motions to Compel Discovery
(2) Motion to Default Judgment

Tentative Ruling:

To take the motions to compel off calendar, as improvidently and redundantly set. Orders issued on July 17, 2026 as to the discovery motions against defendant Roberto Perez.

To deny the application for entry of default judgment as moot due to the defaults being set aside.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling
Issued By: lmg on 8-31-26 .
(Judge's initials) (Date)

(49)

Tentative Ruling

Re: ***Williams v. Welbe Health Sequoia Pace et al.***
Superior Court Case No. 25CECG01900

Hearing Date: September 2, 2026 (Dept. 502)

Motion: By Defendant Hongshik Han, M.D. for Summary Judgment

Tentative Ruling:

To continue the hearing on the motion for summary judgment to September 23, 2026 at 3:30 p.m. in Department 502. Defendant Hongshik Han, M.D. is to file the separate statement of material facts referenced in his moving papers by 5 p.m. Friday September 11, 2026.

Explanation:

On March 20, 2026, defendant Hongshik Han, M.D. ("Defendant") filed a motion for summary judgment ("MSJ").

Code of Civil Procedure section 437c, subdivision (b)(1), states "The supporting papers shall include a separate statement setting forth plainly and concisely all material facts that the moving party contends are undisputed." Defendant never filed a separate statement of material facts. However, both Defendant's moving papers and plaintiff Tia Williams' ("Plaintiff") opposition reference Defendant's separate statement of material facts. Accordingly, the motion for summary judgment is continued to September 23, 2026 at 3:30 p.m. and Defendant is ordered to file the separate statement of material facts referenced by his moving papers and Plaintiff's opposition by Friday September 11, 2026.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling
Issued By: **lmg** **on** **8-31-26**.
(Judge's initials) (Date)

(34)

Tentative Ruling

Re:	***Yanez v. Sanchez*** Superior Court Case No. 25CECG01832
Hearing Date:	September 2, 2026 (Dept. 501)
Motion:	(1) Plaintiff's Motion for Default Interlocutory Judgment (2) Defendant's Application for Order Granting Leave to Lodge Recorded Deed

Tentative Ruling:

To deny Plaintiff's request for default interlocutory judgment. To grant leave to amend the Complaint.

To find defendant's request to lodge recorded deed moot in light of the ruling on Plaintiff's request for default judgment.

Explanation:

Default Interlocutory Judgment

The complaint for partition of real property must set forth: 1) a description of the subject property, including both its legal description and its street address; 2) all interests the plaintiff has or claims in the property; 3) all interests of record or actually known to the plaintiff, and all persons plaintiff "reasonably believes will be materially affected by the action, whether the names of such persons are known or unknown to the plaintiff" (i.e., this includes "persons unknown" to be served by publication); 4) the estate as to which partition is sought and a prayer for partition of the interests therein; and 5) where the plaintiff seeks sale of the property, an allegation of the facts justifying such relief in ordinary and concise language. (Code Civ. Proc., § 872.230.)

The complaint alleges Plaintiff Juan Yanez and Defendant Rosa Sanchez are owners of real property located at 2873 W. Freeland St., in Caruthers, California. (Complaint, ¶ 9-10.) Title is held in joint tenancy. (Complaint, ¶ 10.) This is reflected in the grant deed attached to the complaint. (Complaint, ¶ 10, Exh. A.) With respect to other interests recorded on the property, the complaint alleges the "Plaintiff is aware of a deed of trust against the Property." (Complaint, ¶ 5.)

A title report is included as evidence in support of the default prove up, identifying two deeds of trust recorded against the property. (RJN, Ex. C.)

The complaint does not name either holder of the deeds of trust in the action. Where the mortgagee has a recorded interest it is required to be named as a party.

(Code Civ. Proc., § 872.230, subd. (c); 872.510.) As such, default judgment cannot be entered at this time.

Plaintiff is given leave to amend the complaint for the purpose of adding the parties with recorded interests as a defendant(s).

Defendant's Request for Leave to Lodge Recorded Deed

Defendant Rosa Sanchez seeks to lodge a recorded deed as evidence on the issue of ownership interests in the property to be partitioned. Her default in these proceedings was entered on June 11, 2025. The entry of default instantly cuts off a defendant's right to appear in the action or participate in the proceedings unless the default is set aside or judgment is entered (i.e., giving the defendant the right to appeal). (*Devlin v. Kearny Mesa AMC/Jeep/Renault, Inc.* (1984) 155 Cal.App.3d 381, 385.)

However, not unlike an action for quiet title, the court in a partition action "shall upon adequate proof ascertain the state of title to the property." (Code Civ. Proc. § 872.620.)

In the context of a quiet title action, Code of Civil Procedure section 764.010 provides, "The court shall examine into and determine the plaintiff's title against the claims of all the defendants. The court shall not enter judgment by default but shall in all cases require evidence of plaintiff's title and hear such evidence as may be offered respecting the claims of any of the defendants, other than claims the validity of which is admitted by the plaintiff in the complaint. The court shall render judgment in accordance with the evidence and the law."

"Section 764.010 requires the trial court to 'examine into and determine the plaintiff's title,' to 'require evidence of plaintiff's title,' and to 'hear such evidence as may be offered respecting the claims of any of the defendants.'" (*Harbour Vista, LLC v. HSBC Mortg. Services Inc*. (2011) 201 Cal.App.4th 1496, 1506.) This obligates the court to hold an evidentiary hearing in open court before adjudicating title. (*Id.* at p. 1504.) Defaulted defendants are able to attend the hearing and participate in the adjudication of their title to real property. "If a defendant shows up before judgment is entered, the court must 'hear such evidence' as this party may offer about its claims, even if the defendant is in default. We can see no other way of interpreting this statute." (*Ibid*.)

Although there is no explicit statutory mandate to hear evidence, the court in a partition action is required to ascertain the state of title of the property according to proof. Defaulted defendant's limited appearance to present evidence of the state of title of the property at issue is consistent with the requirement to make a determination as to the title of the property upon adequate proof.

However, as the court is not making a determination as to the title of the property at this time, the court finds the request is moot.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling
Issued By: **<u>lmg</u>** **on** **<u>8-31-26</u>**.
(Judge's initials) (Date)

(20) **<u>Tentative Ruling</u>**

Re: ***Beltran v. Liberty Bell Equip. Corp., et al.***
Superior Court Case No. 24CECG05061

Hearing Date: September 2, 2026 (Dept. 502)

Motion: By Plaintiff for Final Approval of Class Action Settlement

Tentative Ruling:

To grant, as modified below with regards to the attorneys' fee split and incentive award. Within five days class counsel shall submit proposed final order and judgment consistent with this order.

To set a hearing at September 1, 2027, at 3:30 p.m. in Department 502 as a hearing date for an Amended Judgment pursuant to Code of Civil Procedure section 384. A verified report of payouts of settlement funds and a proposed amended judgment shall be submitted no later than August 18, 2027.

Explanation:

"Before final approval, the court must conduct an inquiry into the fairness of the proposed settlement." (Cal. Rules of Court, rule 3.769(g).) "The trial court has broad discretion to determine whether a class action settlement is fair. It should consider factors such as the strength of plaintiffs' case; the risk, expense, complexity and likely duration of further litigation; the risk of maintaining class action status through trial; the amount offered in settlement; the extent of discovery completed and the stage of the proceedings; the experience and views of counsel; the presence of a governmental participant; and the reaction of the class members to the proposed settlement." (*Reed v. United Teachers Los Angeles* (2012) 208 Cal.App.4th 322, 336.)

The court has already considered these factors and found the settlement to be fair and reasonable.

As a general rule, the lodestar method is the primary method for calculating the amount of class counsel's attorney's fees; however, the percentage-of-the benefit approach may be proper when there is a common fund. In some cases, it may be appropriate, when the monetary value of the class benefit can be determined with a reasonable degree of certainty, such as this one, for the judge to cross-check or adjust the lodestar amount in comparison to a percentage of the common fund to ensure that the fee awarded is reasonable and within the range of fees freely negotiated in the legal marketplace in comparable litigation. (See *Laffitte v. Robert Half Int'l, Inc*. (2016) 1 Cal.5th 480, 488–497; *Roos v. Honewell Int'l, Inc*. (2015) 241 Cal.App.4th 1472, 1490–1494; *In re Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 557.)

The lodestar analysis is based on a "careful compilation of the time spent and reasonable hourly compensation of each attorney … involved in the presentation of the case." (*Serrano v. Priest* (*Serrano III*) (1977) 20 Cal.3d 25, 48.) As our Supreme Court has repeatedly made clear, the lodestar consists of "the number of hours *reasonably expended* multiplied by the *reasonable* hourly rate. . . ." (*PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1095, italics added; *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1134.)

Reasonable hourly compensation is the "hourly prevailing rate for private attorneys in the community conducting noncontingent litigation of the same type." (*Ketchum v. Moses*, *supra*, 24 Cal.4th at p. 1133, emphasis added.)

Class counsel submit that their lodestar comes to $167,008, based on 214.8 hours worked at hourly rates ranging from $425 to $853 per hour. While the claimed hourly rates of Jessica Flores and Kathleen Becket are high, given the complete lack of information about their skill and qualifications, the award of $140,000 will be approved. Even adjusting some billing rates and hours downward, the lodestar would still approximate the percentage of the recovery agreement, particularly adding in a modest multiplier to account for the contingent nature of the representation.

Actual litigation costs of $24,434.33 (Brown Decl., Exh. E) are also approved.

However, there is a fee sharing agreement between plaintiffs' counsel and the law firm Perez, Williams, Medina, and Rodriguez, LLP ("Perez Williams"), by which class counsel will receive 75% of the fees, and Perez Williams will receive 25%. Plaintiff states that when searching for an attorney he had an intake interview with Perez Williams, who couldn't take the case, and they referred plaintiff to Stansbury Brown.

"To fulfill its role in protecting absent class members, the class action court must consider the potential effect of a fee-splitting agreement before approving a proposed settlement. Evaluating the substance of the settlement separate from the attorney fees is insufficient." (*Mark v. Spencer* (2008) 166 Cal.App.4th 219, 227-228; see also Cal. Rules of Court, rule 3.769(b) ["Any agreement, express or implied, that has been entered into with respect to the payment of attorney's fees or the submission of an application for the approval of attorney's fees must be set forth in full in any application for the approval of the dismissal or settlement of an action that has been certified as a class action"].)

In granting preliminary approval the court stated Perez Williams must provide admissible evidence of the services provided to the class. Managing partner Raul Uribe states that Perez Williams "consulted with plaintiff, conducted a full intake, obtained and reviewed his employment records, and identified potential wage and hour claims that appeared to extend to other non-exempt employees. He adds that "Prior to referring this case, as stated, PWMR performed a detailed pre-filing investigation and intake, including: identifying the employer entities (Liberty Bell Equipment Corporation and ORS NASCO, LLC), researching the corporate structure of both entities through the California Secretary of State's website, investigating the nature and scope of the employers' business operations, identifying the specific Labor Code provisions potentially violated, obtaining and reviewing Plaintiff's employment file and records, and conducting the initial client interview to assess the viability of potential class claims. PWMR also coordinated the client interview between Plaintiff and Stansbury Brown Law, PC, and facilitated the execution of the retainer and fee-sharing agreements." (Uribe Decl., ¶ 4.) Most of the work was done by a legal assistant, not an attorney. Uribe estimates that the legal assistant, for whom no billing records or billing rates are provided, spent 10 hours on the matter. (Uribe Decl., ¶ 6.) Mr. Uribe spent 2 hours on the matter at $450 per hour. (Uribe Decl., ¶ 7.)

It is abundantly clear that Perez Williams did not provide legal services in value anywhere near $35,000 (25% of $140,000). A judge may not rely solely on an agreement by the attorneys for the class that allocates the fees between them, but must tie the award of fees to each attorney's actual efforts to benefit the class. The distribution of fees must bear some relationship to the services rendered. (*Mark v. Spencer* (2008) 166 Cal.App.4th 219, 229–230.)

Of the $140,000 fee award the court will authorize only $1,900 to be paid to Perez Williams - $1,000 for the work done by the legal assistant (10 hours at $100 per hour) and $900 for the work done by Mr. Uribe.

The court finds that $3,000 (not the $5,000 provided for in the settlement agreement) would generously compensate plaintiff for her efforts and time expended, and risks taken in pursuing this action, and awards as much as an incentive payment.

Finally, the court approves the $8,000 in administration costs.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling
Issued By: lmg on 9-1-26 .
(Judge's initials) (Date)